IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1731 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BABUBHAI BHIMABHAI SOLANKI

Versus

THE SUPERINTENDENT,

Appearance:

1. Special Civil Application No. 1731 of 1987

MS DR KACHHAVAH for Petitioner.

Mr.L.R.Pujari, Asst.GOVERNMENT PLEADER for Respondent No. 1-2

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 13/07/2001

ORAL JUDGEMENT

None present for the petitioner. Heard Mr.L.R.Pujari, Ld.AGP for the respondent-State.

2. In this writ petition under Article 226 of the Constitution of India the petitioner has prayed for quashing the termination order at annexure "C".

3. It is stated by Mr.L.R.Pujari, Ld.AGP that after the impugned termination order came to be passed and filing of this writ petition in view of the refusal of interim relief by this Court the petitioner was not continued/reinstated in service and the petitioner did not serve with the respondent, that the petitioner died some time prior to 1996. Mr.Pujari produces on record the letter dated 20.6.2001 addressed by the Deputy Commissioner, Prohibition & Excise Department, Gujarat State wherein it has been stated that the petitioner-Babubhai Bhimabhai Solanki has died. Said letter is taken on record.

4. The petitioner having not been reinstated/continued in service pursuant to the refusal of the interim relief by this Court and in view of the death of the petitioner some time prior to 1996 no part of the relief survives and therefore no order is necessitated in this petition. The petition is liable to be dismissed in the light of the above facts and circumstances.

5. Petition is dismissed. Rule is discharged accordingly. No order as to costs.

13.7.2001 (N.G.NANDI,J)
mty